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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1999/72

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 4	3
II.	THE WORK OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)	5 - 9	3
III.	EXCHANGE BETWEEN THE UNITED NATIONS HUMAN RIGHTS BODIES/MACHINERY AND NATIONAL INSTITUTIONS TO REINFORCE THEIR MONITORING ROLES AT THE INTERNATIONAL AND NATIONAL LEVELS	10	4
IV.	ACTIVITIES OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS	11 - 23	4
	A. International and regional meetings of national institutions	11	4

CONTENTS (continued)

		Paragraphs	Page
B.	Role of national institutions in the protection of human rights defenders and cooperation between non-governmental organizations and national institutions	12 - 13	4
C.	Protection and promotion of the human rights of women by national institutions	14 - 18	5
D.	Protection and promotion of children's rights by national institutions	19 - 22	6
E.	Protection and promotion of economic, social and cultural rights by national institutions	23	6
V.	CONCLUSIONS AND RECOMMENDATIONS	24 - 27	6

I. INTRODUCTION

1. In resolution 1999/72 the Commission on Human Rights, recognizing that it is the prerogative of each State to choose the legal framework best suited to its particular needs and circumstances, reaffirmed the importance of establishing effective, independent, pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights adopted by the General Assembly in resolution 48/134.

2. The Commission welcomed the decisions by a growing number of States to establish national institutions for the promotion and protection of human rights, including in developed countries. It commended the priority accorded to the establishment and strengthening of national human rights institutions by the United Nations High Commissioner for Human Rights, including through technical cooperation, and called for the High Commissioner to continue to allocate resources necessary for this work.

3. The Commission requested the Secretary-General, in cooperation with the Office of the High Commissioner, to continue to provide, from within existing resources, the necessary assistance for holding meetings of the International Coordinating Committee of national institutions and, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, to continue to provide the necessary assistance for regional meetings of national institutions.

4. The Commission requested the Secretary-General to report to it at its fifty-sixth session on the implementation of the resolution. The present report is presented pursuant to that request.

II. THE WORK OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

5. During the reporting period, OHCHR continued the implementation of its activities on national institutions, which included advisory missions of the High Commissioner's Special Adviser on National Institutions and/or the National Institutions Team to Azerbaijan, Ecuador, Kazakhstan, Kyrgyzstan, Malawi, the Philippines, Rwanda, Sierra Leone and Zimbabwe.

6. Advice concerning legislation for the establishment of a national institution was provided by the Special Adviser in Sierra Leone and Zimbabwe and technical cooperation activities continued in Bolivia, Georgia, Guatemala, Indonesia, Latvia, Malawi, the Republic of Moldova, Palestine, South Africa and Uganda. Consultations on cooperating agreements continued with established institutions in Colombia, Ecuador, Fiji, Indonesia, Malawi, Peru and Rwanda and a new project for Ukraine was under consideration.

7. At the regional level, OHCHR supported the fourth Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions, held in September 1999. OHCHR was also represented at the third Annual Congress of the Iberoamerican Federation of Ombudsman, held

in Tegucigalpa in September 1999, the Central American Council of Defensores, held in Managua in November 1999, and the fifth UNDP International Workshop on Ombudsman and Human Rights Institutions held in Almaty in November 1999.

8. In November 1999, OHCHR organized one governmental meeting on regional strategies for technical cooperation in the Latin American and Caribbean region and at the time of drafting this report, preparations were continuing for a similar meeting in the Central and West Africa and Madagascar subregion. Representatives of national institutions were invited.

9. Cooperation continued with UNDP, the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, United Nations Volunteers (UNV) and UNICEF, in particular within the framework of national technical cooperation projects.

III. EXCHANGE BETWEEN THE UNITED NATIONS HUMAN RIGHTS BODIES/MACHINERY AND NATIONAL INSTITUTIONS TO REINFORCE THEIR MONITORING ROLES AT THE INTERNATIONAL AND NATIONAL LEVELS

10. As recognized in different international forums, national institutions play an important role in the realization of human rights at the national, regional and international levels. They advocate for the ratification of international human rights treaties and advise Member States with respect to reservations they have made to these instruments; provide assistance in drafting legislation in compliance with the international norms, monitor the implementation of the conventions at the national level, contribute to State compliance with the reporting obligations to treaty monitoring bodies; facilitate the follow-up process to the committees' consideration of national reports and their concluding observations; make contributions under specific plans of action to strengthening the implementation of the adopted conventions; lead the debate at the national level on specific human rights issues, and contribute to the promotion of a culture of human rights at all levels.

IV. ACTIVITIES OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. International and regional meetings of national institutions

11. Consultations continued with the Government of Morocco and the Human Rights Consultative Council, as the host institution for the next (fifth) international meeting of national institutions to be held in Marakesh in spring 2000. Preparations for the next meeting by OHCHR include consultation with the International Coordinating Committee of national institutions.

B. Role of national institutions in the protection of human rights defenders and cooperation between non-governmental organizations and national institutions

12. In its resolution 1999/72, the Commission on Human Rights welcomed support for the creation and development of independent national institutions as outlined in article 14, paragraph 3 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and

Fundamental Freedoms. During the seventh meeting of the International Coordinating Committee, the High Commissioner shared with representatives of national institutions her concerns about the many allegations OHCHR receives regarding human rights defenders whose lives are often at risk. She encouraged the national institutions to cooperate in ensuring the protection of these persons.

13. OHCHR has been informed of several joint initiatives between national institutions and non-governmental organizations, often concerning activities relating to human rights education and information campaigns but also concerning the protection of human rights defenders. One example of these initiatives was a workshop organized by the Asia-Pacific Forum of National Human Rights Institutions, the Sri Lanka Human Rights Commission and the Asia-Pacific Consultative Group of NGOs, with the support of OHCHR. This workshop was held in Kandy, Sri Lanka, from 27 to 28 July 1999, and led to a joint programme of cooperation between national institutions of the region and non-governmental organizations, including in the area of early warning, public inquiries, and promotional and educational activities. (A separate report of the workshop is available from OHCHR on request.)

C. Protection and promotion of the human rights of women by national institutions

14. In resolution 1999/72, the Commission on Human Rights recalled the Platform for Action adopted by the Fourth World Conference on Women, in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women.

15. In the Asia-Pacific region, the National Human Rights Commission of New Zealand recently distributed a questionnaire to all established national institutions requesting information concerning their mandates, functions, methods of work, activities and programmes relating to the promotion and protection of women's rights. The results of the questionnaire were discussed by national institutions of the region during the fourth Annual Meeting of the Asia-Pacific Forum. The final recommendations of the conference emphasized the need to further strengthen the capacity of national institutions in this respect and recommended the holding of a regional training session on the rights of women for staff of their institutions.

16. At the fourth Annual Meeting of the Asia-Pacific Forum participating institutions also addressed the problem of trafficking of persons in the region, including women. National institutions agreed to appoint focal points within their own organization to promote the exchange of information and further strengthen their advocacy and protection role at the regional level.

17. The OHCHR participated in a meeting of the Defensorias de la Mujer in Latin America, during the meeting of the network of Defensorias de la Mujer held in Tegucigalpa in September 1999.

18. In preparation for the "Beijing plus 5 review", OHCHR is planning to organize a series of meetings to review the implementation of the Platform for Action with international organizations, non-governmental organizations and national institutions. Activities are expected to take place in Geneva during the first quarter of 2000 and OHCHR will encourage the participation of at least one national institution per region.

D. Protection and promotion of children's rights by national institutions

19. In recognition of the tenth anniversary of the Convention on the Rights of the Child, during its seventh meeting, held in Geneva in April 1999, the International Coordinating Committee of national institutions considered the role of national institutions in the promotion and protection of the rights of the child. The ICC recognized that the rights of children should be a priority in the work of national institutions and agreed to recommend discussion of this theme during the fifth international meeting of national institutions.

20. Related OHCHR initiatives have included a two-day preparatory workshop with national institutions of the Asia-Pacific region aimed at promoting the exchange of best practices in the promotion and protection of children's rights. This meeting was organized by OHCHR, in close consultation with UNICEF, in cooperation with the Philippines National Human Rights Commission and the Asia-Pacific Forum of National Human Rights Institutions, in Manila from 8 to 10 September 1999. Participants included the Chairperson of the United Nations Committee on the Rights of the Child, the Chairperson of the United Nations Committee on Economic, Social and Cultural Rights, the Vice-Chair of the Human Rights Committee and the Special Rapporteur on the sale of children, child prostitution and child pornography. National institutions from Australia, Fiji, India, Indonesia, the Philippines, Sri Lanka and New Zealand participated in the meeting. The Commissioner for Children of New Zealand also participated.

21. The meeting enabled national institutions to share best practices and problems and to hear the perspectives of the Committees and the Special Rapporteur in this field. Recommendations to further enhance the role of national institutions were adopted by participants and a compilation of best practices is being prepared. The report of the workshop is available from OHCHR on request.

22. OHCHR was also informed of several commemorative activities organized by national institutions to mark the tenth anniversary of the Convention.

E. Protection and promotion of economic, social and cultural rights by national institutions

23. During the seventh meeting of the ICC, the High Commissioner invited members of national institutions to an informal debate on their experiences in the promotion and protection of economic, social and cultural rights. Particular emphasis was accorded national experiences within the framework of national human rights plans of action and the impact on children of macroeconomic policies. The members of the ICC agreed to continue discussion of this important issue at the next international meeting of national institutions in 2000.

V. CONCLUSIONS AND RECOMMENDATIONS

24. OHCHR recognizes the role that national institutions can play in the realization of all human rights at the national, regional and international levels. It therefore considers it important to further promote exchanges between national institutions and the United Nations human rights

machinery. OHCHR will therefore continue facilitating activities to promote this exchange, including through the organization of seminars, workshops and training activities and the preparation of information.

25. During the reporting period particular emphasis was given by OHCHR to facilitating the exchange of national institutions' practices in promotion and protection of the rights of women, children and human rights defenders, in particular in the Asia-Pacific region. It is recommended that similar exchanges be encouraged among national institutions of other regions.

26. Regional or subregional meetings of established national institutions have proved very useful for sharing experiences and information on particular human rights concerns, as well as enabling Governments in the process of establishing such institutions to acquire information on experience in other countries. OHCHR will continue supporting these regional consultations and endeavour to participate more actively in meetings at the regional level.

27. National institutions play an important role in the promotion and protection of women's rights at the national, regional and international levels. OHCHR therefore stresses the importance of appropriate participation by national institutions in OHCHR consultations leading to the "Beijing plus 5 review".